

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.65 OF 2017
IN
CRIMINAL WRIT PETITION NO.3541 OF 2016**

Roshan Surendra Uchil ...Applicant

Versus

The State of Maharashtra & Anr. ...Respondents

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Mr. Rishi Bhuta i/b. Mr. P.R. Yadav for the Petitioner.

Mr. N.B. Patil, APP for the Respondent No.1-State.

Mr. Aabad H.H. Ponda i/b. Mr. Amit Sheth for the Respondent
No.2.

**CORAM : A.S. OKA &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED: 20th FEBRUARY, 2017.

P.C.:-

The prayer made in this application by the Writ Petitioner is for grant of permission to travel abroad. Our attention is invited to the order dated 28th September, 2016 passed by the learned Single Judge of this Court in Criminal Application No.1100 of 2016. The learned counsel appearing for the Applicant states that in the said Application, a relief was sought of grant of permission to travel abroad as the same relief was denied to the Applicant by the learned Magistrate as well as by the Sessions Court. Clause 2 of the order dated 28th September,

2016 reads thus :

“ In view of the statement made by learned APP, on instructions, learned counsel for the applicant does not press the application and seeks leave to withdraw the same, with liberty to file an appropriate application in the trial Court, seeking the same reliefs, after filing of the charge-sheet.”

(underline added)

2. In view of the aforesaid statement, Application No.1100 of 2016 was disposed of as withdrawn. The learned counsel for the Applicant relies upon the order passed in another Criminal Application No.52 of 2017 by the learned Single Judge on 31st January, 2017.

3. So long as the order dated 28th September, 2016 continues to operate, the Applicant is bound by his statement recorded therein. The Applicant can apply for permission to travel abroad before the trial Court only after filing charge sheet. The learned counsel for the Applicant states that the Applicant will apply for the modification of the order dated 28th September, 2016. It is for the Applicant to take appropriate steps in that behalf. Suffice it to say that so long as the order dated 28th September, 2016 and the statement of the Applicant

recorded therein continues to operate, no relief can be granted in this Application. Accordingly, the Application is rejected. However, if the order dated 28th September, 2016 is modified, we grant liberty to the Applicant to make a fresh application for appropriate relief.

(ANUJA PRABHUDESSAI, J.)

(A.S. OKA, J.)